

CLEAN WATER COUNCIL MEETING
Meeting Highlights
September 9, 2003

Location:

NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike,
Lawrenceville, NJ.

Attendees: Pat Matarazzo, Kerry Kirk Pflugh, Russ Furnari, Dan VanAbs, Amy Goldsmith, Anthony McCracken, Lou Mason Neely, Ferdows Ali, Barbara Rich, Carmen Valentin, Ray Zabihach.

Discussion of Joint CAC/CWC Meeting

Kerry commented that the joint meeting would be held here at the Infrastructure Trust at 10 am, on October 14th. CAC would like to meet before our regularly scheduled meeting to do some business. Kerry forwarded agenda items to them, based on discussions held at our previous meetings, and Sonja Evans, CAC liaison, had no problem with them. They are also thinking about providing refreshments for all of us.

Pat Matarazzo – Do any of the agenda items cover anything about the new announcements that the air/smog ratio in N.J. is the worst in the country?

Kerry – That was not one of the proposed agenda items when we were working on them, but I think that is something that we can discuss.

Pat M. – Were there any other items we wanted to add to the proposed agenda items? We already have the PCB controversy.

Russ Furnari – Mercury. The new rules should be coming out. The deadline in the outline of the Mercury Task Force Report states if there is not a Federal rule by 2003, that New Jersey would propose it's own Mercury rule.

Lou Neely – What was the guiding force to meet with the CAC and what do we expect to accomplish by having this joint meeting?

Pat M. – The idea was to start setting a precedent that the Councils will meet and become more familiar with each others functions and somewhere along the line have joint meetings with all the Councils, meaning Water Supply Council as well. If there are issues that we can all work on together and then present to the State as one joint

document coming from all the Councils, supporting or not supporting a specific area and making joint recommendations. Plus the fact that we can share information and keep a more open connection going.

Kerry – To add to the above, we may want to explore whether these related issues warrant, or could be, a topic for our Public Hearing.

Public Hearing Comment Report:

Kerry asked if everyone picked up a copy of Jim Grob's update as it related to Regulatory process and comments received from the CWC April Public Hearing. He gave a status report on where the program is and it appears that the next section is recommendations in response to some of the comments that were received. Russ Furnari has written and submitted to us a rough draft of a letter he proposed in response to comments. Russ and I were just discussing about taking Jim's recommendations and integrating it with some of ours and finalizing it to be forwarded to the Commissioner. Maybe we could get copies of the powerpoint presentations by the speakers at the Public Hearing to use as the appendix. Also it would be useful to forward this to the WSAC as well as the Reuse Subcommittee. Then once this is submitted we could put it up on our Web.

Amy Goldsmith – There should be a correction in the way the last paragraph of Jim's report should read. On page two, the last line reads "designed" growth areas. In both places in the last line, it should read "designated" growth areas.

Barbara Rich – Had a question on the last sentence on page 1 that reads "No permit applications, or permit fees will be required of a wastewater treatment facility to begin reclaiming water for beneficial reuse." There should be prior discussion on how much can be withdrawn from a discharge to a stream. You just can't assume that a wastewater treatment plant can reuse water without knowing the quantity.

Russ – That's another one of the statements I put in the draft letter. (base flow)

Barbara – The other question was concerning the last line on page 1 (second set of pages) which stated "Listed below are recommended policy and regulation changes that need to be considered to elevate the RWBR effort from an initiative to a viable program preserving/conserving the state's potable water supply and assisting the Department with its overall water resource management." At the meeting the other day, there was no response to the fact that some policies are being invested in DEP. If that is the case, why would we be involved?

Lou Neely – The fourth paragraph states that the Department's Technical Guidance Manual for Reclaimed Water for Beneficial Reuse is no longer in a draft format. Does that mean it is now a final format?

Kerry – Yes, it is on the Web.

Dan VanAbs – In the second set of pages they referenced a RWBR Task Force. I’m not sure what Task Force that is, external or internal?

Kerry – I’m not sure either. I will discuss this with Jim.

Russ – We need to move ahead and incorporate some of the things that Jim has recommended in his report with our letter of recommendations. We would also be showing that there is cooperation between our Council and staff.

Kerry – Russ and I will get together and finalize the letter and share it with everyone.

Russ – Suggested that the Council read his draft and comment on it. We should also e-mail it to Jim Grob and the Water Supply Subcommittee for their comments. We talked about working on revising the Statewide Master Plan. Each topic we would work on at that particular time, could be the topic for our Public Hearing for that year. In this respect we are working on something the Department wants.

At this time the Council opted to read Russ’ rough draft while waiting for Larry Baier to come and discuss the charge for the Council. It was brought up that there should be a better definition for “Reuse”.

Amy Goldsmith – There are concerns being raised about unregulated contaminants showing up in surface waters and pharmaceuticals and about the perpetual recycling of water for sewage treatment, drinking water and back out again and the constant turnaround. This brings up the health issue. We haven’t had an outbreak of some disease because of current practices, but there are concerns being raised.

Lou Neely – The point is that we are suggesting Reuse is going to be the tool we look at for use in the future. We need to consider water reuse along with drought management to better handle future drought problems.

Pat – made a suggestion at the meeting with Larry Baier that when each discharger’s permit (5 year cycle) expires and if they will be using reuse as a factor, maybe some plants can be upgraded and designated for beneficial reuse purposely and have that incorporated in these permits. However, it would not be practical for all plants. Those too close to a fresh water intake would not benefit from it.

Russ – I pointed out to look to a new perspective in the water budget.

Lou Neely – Moved to have a subcommittee look into the results from the meeting.

Ray – seconded it, motion voted on and passed.

Larry Baier – charge for the Council:

Kerry – A few of the members met with Larry Baier last month to discuss the proposal the Council had put together and to go over points in the Statewide Water Quality

Management Program Plan (SWQMPP) summarized by Dan VanAbs, that have yet to be addressed by the Department. Dan identified sixteen areas and suggested as a Council, we take on some of these issues, maybe one or two a year, and develop white papers on them and then forward them to the Department with suggestions for various actions, policy discussion and so forth.

Larry – It's very important to get an outsider's viewpoint. That's why your opinions are so important. The impediment of reuse is the cost factor. It is cheaper to pump water out of the ground than it is to treat wastewater. One of the things the Department has been discussing is how we can make this cost effective. Either through regulatory means or price structure. I would like to see this Council come up with suggestions on how to make reuse cost effective.

Ray Zabihach – Supply and demand curve. With declining ground water supply, it will start going up in price.

Russ – Extreme weather patterns have been the norm lately which hinders planning.

Larry – Another future direction, and one I would like the Council's opinion on, is more on site treatment and discharge. That is, putting the water back into the ground. I'm very interested in hearing from the Council their ideas on not only protecting water quality but also water quantity.

Russ – From a construction in development point of view, there is a lot of on site treatment technology that now makes reuse more feasible and economical and at the same time able to meet the standards.

Lou Neely – Larry is there a list of items you would want the Council to look at?

Larry – I do not have a list, just some thoughts. The Statewide Water Quality Management Plan is in desperate need of being updated. The changes in how planning is being done needs to be addressed. How do we get all the different components of Watershed Planning integrated into one comprehensive plan that addresses all issues at the same time. For example, doing on site wastewater recharge as opposed to the regional systems. What are the pitfalls, etc.?

Lou Neely – If you can formalize a specific list, the Council can choose what to talk about at our next meeting.

Larry – I will try to get it to you in advance of your next meeting.

Tony McCracken – It can't be something that is applied statewide.

Ray Zabihach – If we want to do certain things with the environment, then we must have a goal. Then we have to ask what would prohibit us from reaching that goal. The

regulatory process is a major impediment. We should work on changing this process to encourage projects to meet their goals.

Amy Goldsmith – In our meeting with Larry, we talked about the stormwater regs that will be coming out and that there might be a role for this Council to play in how to make these regs become active. The other point brought up was the monitoring gap. Maybe this Council could help in that area.

Larry - I was previously not that familiar with this Council, so I did not know what you would be interested in doing for the Department. It seems you want to take a more proactive role. I have many issues under consideration. The whole issue of Wastewater Management Water Supply for smart growth is a big issue. We want to make this process easier. On the environmentally sensitive side, we are trying to roll back the sewer service areas. What is the impact of rolling that back along the financial structure of these wastewater treatment plants?

Kerry – I want to share with those who could not make the meeting with Larry in August, a few of the issues that I wrote down that were discussed as possibilities.

- One issue was the whole density issue and what is the approach that should be used.
- Regional Stream Corridor Protection Plan – how do you do it?
- Buffering to meet local ordinances
- No guidance on how to review stormwater plans – what should the review process be?
- How to plug the gap in the statewide monitoring network – How to integrate the Volunteer Monitoring Program (which my office is coordinating). – What are ways to do that?
- The Water Quality Management Plan Rule – how the Council wants to look at the development review of the Rule that is in progress right now.
- Must get Audit Report from Larry to distribute to the Council

Tony McCracken – What we hope to provide is a wide array of public and private interests that the Department has to deal with when they put a rule out.

Larry – The strength of this room is the fact that you do have such diversity and expertise to offer.

Ray Furnari – explained how the Council becomes a lead on an issue, reaches out to its Technical Advisory Committee, comprised of colleagues who are expert in their fields, who then also reach out to other experts in that field for their expertise in order to reach a coordinated conclusion.

Tony McCracken – The Council will act as a buffer. If it is not worthwhile, we will not bring it up to you. This way you will save time in not having to deal with that issue.

Pat Matarazzo – One the problems that seem to recur often is that of conflicting regulations. Probably because there are so many of them. It may be a good idea to come

up with a work plan that will have the regulations work with one another instead of against each other.

Tony – The Water Quality Management Plan is where it all fits right now. Is what's coming out that much different than what we saw before?

Larry – No, it hasn't changed very much. The difficulty in crafting the rule has always been making it predictable, which requires the simple approach, and making it equitable, i.e., taking into consideration the varying ability in different places in the state. Those two things do not work well together. At this point, if we intend to capture the number of projects we plan to do, predictability and ease of application are probably more critical than the equity. Then the equity issue would have to be dealt with through a more detailed plan done at the local level and then submitted to the Department. The goal is to have the rule proposal done by the end of the year.

I would like to challenge the Council to report anything that the Department should be doing that it is not, based on conflicting regulations, to me. I would like to hear about it.

Pat – We are a tool that is willing to be utilized. Please feel free to use us.

Larry thanked everyone for inviting him and the meeting was adjourned.

